

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JAMES ALLEN O'CONNOR,

Debtor/Appellant,

v.

Case No. 05-C-857

JAMES J. VALONA,

Appellee.

DECISION AND ORDER

The bankruptcy appeal of the debtor/appellant James Allen O'Connor ("O'Connor") has been pending in this Court since August 11, 2005. This Court, in an order dated April 24, 2006, indicated that it had not yet received the requisite bankruptcy record and did not know what exactly O'Connor was appealing. The Court, based on the sparse information before it, instructed O'Connor to indicate whether he intended to proceed with his appeal. If so, the Court provided a date certain, May 19, 2006, by which O'Connor was to file his designation of items to be included in the record on appeal as well as a statement of the issues he intended to present. That date came and went; O'Connor was not heard from.

On May 26, 2006, the Court issued another order granting O'Connor another extension of time in which to communicate his intentions to the Court or suffer dismissal for failure to prosecute. On June 12, 2006, O'Connor sent the Court a missive indicating that

he had suffered a stroke and was convalescing. Because of those circumstances, he had not been able to move his appeal forward. O'Connor, according to his letter, wished to proceed with his appeal. He asked the Court for a 60-day extension in order to submit further documents to the Court and otherwise prepare his appeal. The Court granted that request and, in an order dated June 20, 2006, provided O'Connor until August 18, 2006 to submit those documents necessary to proceed with his appeal.

The date set by the Court has passed and O'Connor's appeal has progressed no further than when it was originally filed over one year ago. O'Connor has not communicated with the Court since his last request for additional time. In its last order, the Court warned O'Connor that his "*pro se* status does not exempt him from complying with all applicable rules and procedures related to his appeal." (Decision and Order, June 20, 2006.) The Court also warned that O'Connor's failure to follow Court orders could lead to dismissal of his action.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

O'Connor's appeal is dismissed, without prejudice, for failure to prosecute.

Dated at Milwaukee, Wisconsin this 21st day of August, 2006.

BY THE COURT

s/ Rudolph T. Randa
Hon. Rudolph T. Randa
Chief Judge